

Thursday, May 1, 2003

The executive committee met and reviewed the agenda.

The full committee convened at 9:30.

Present: Charlene Christopher, Kris Kiley, Stan Boren, Eileen Deckard, Emily Dreyfus, Heidi Lawyer, David Martin, Fannie Page, Rick Richardson, Carmen Sanchez, Leslie Snyder, Kevin Sutherland, Shirley Ricks, Mike Wong, Pierre Ames (PEATC)

Staff/Presenters: Patricia Abrams, Doug Cox, Ossie Lawrence, Judy Hudgins, Pat Burgess, Sandra Ruffin, Phyllis Mondak, Don Fleming, Donni Stickney (T/TAC)

Others: Suzanne Stuart, Maureen Hollowell, Charles Swadley, Bradford Hulcher

Not present: Elizabeth Vincel, Anne Fischer, Sharon Stacey, Karen Tompkins, Linda Richardson

Federal/State Update & State Improvement Plan (Doug Cox)

Doug Cox provided an update on federal and state activity on the *No Child Left Behind Act (NCLB)* and reauthorization of the *Individuals with Disabilities Education Act (IDEA)*.

NCLB: Virginia submitted its accountability workbook for NCLB. The Board of Education made final changes to Virginia's accountability workbook on April 30. The workbook as submitted to U.S. Department of Education is on the VDOE Web site. It includes the following language concerning the participation of students with disabilities in the calculation of adequate yearly progress:

Students with disabilities comprise one of the subgroups addressed. All students with disabilities will participate in the state assessment program either through the Standards of Learning assessments, with or without accommodations, or through an alternate assessment.

Virginia will continue to assess students with the most significant cognitive disabilities with alternate assessments that are measured against alternate achievement standards defined under Sec. 200.1(d) 34 CFR Part 200, Title I – Improving the Academic Achievement of the Disadvantaged; Proposed Rule (Federal Register: March 20, 2003) and aligned with Virginia's academic content standards. These alternate achievement standards are based upon the educational needs of students as identified by their IEP teams properly convened under the IDEA and reflecting the professional judgment of the highest learning standards possible for these students. For accountability purposes, the number or percentage of students with the most significant cognitive disabilities taking these alternate assessments as defined in Sec. 200.1(d) is not expected to exceed the limit

established under federal regulations. However, Virginia will not adopt policies that limit the number or type of students with disabilities who can take such alternate assessments. Scores from both the standards of learning assessments and the alternate assessment for students with the most significant cognitive disabilities will be included in the calculations of adequate yearly progress (AYP) for schools, school divisions and the state.

In addition, Virginia will develop and administer alternate assessments measured against achievement standards as defined in Sec. 200.1(c) of the final Title I regulations for standards and assessments (Federal Register: July 5, 2002) as determined appropriate by their IEP teams, for students with disabilities, as defined under section 1401(3) of the IDEA, who cannot participate in all or part of the state Standards of Learning assessments in English/reading, mathematics, and science, even with appropriate accommodations. These alternate assessments will be designed to yield results for the grade in which the student is enrolled. For accountability purposes, the number or percentage of students taking these alternate assessments measured against achievement standards as defined in proposed Sec. 200.1(c), as determined appropriate by their IEP teams, will not be limited. Scores of student participating in the newly-developed alternate assessments also will be included in the calculations of adequate yearly progress (AYP) for schools, school divisions and the state.

To ensure accountability, Virginia will monitor the percentages of students with disabilities taking these alternate assessments to ensure that all students with disabilities are appropriately included in Virginia's Standards of Learning assessment program.

On March 20, the U.S. Department of Education published a notice of proposed rulemaking (NPRM) concerning the inclusion of students with disabilities in state assessments. The proposal would limit the students who participate in assessments measured against alternate standards. Only those students with the most significant cognitive disabilities should participate in such alternate assessment.

IDEA Reauthorization: House Resolution (HR 1350), the first bill on IDEA reauthorization was passed with 14 amendments, 3 of which failed (2 for vouchers, 1 that re-defined learning disability). Several amendments address mis-identification concerns. Highlights were shared:

- federal funds (up to 15%) may be used for pre-referral student intervention
- eliminated IEP objectives and benchmarks, kept measurable goals
- permits 3-year IEP with parent agreement, and annual reviews
- regular education teacher can represent others at IEP and can be present for part of the meeting
- IEP team may do amendments without meeting if agreed
- requires US Secretary (Department of Education Office of Special Education Programs -US-OSEP) to provide model Procedural Safeguards notice
- requires parents to receive safeguards on an annual basis
- local educational agencies (LEA) can not initiate a due process hearing if the parent refuses initial services

- mandatory for states to offer, voluntary to use, binding arbitration for dispute resolution
- requires a meeting between parents and school officials to try to resolve disputes, prior to due process hearings
- removes some discipline safeguards; removed manifestation determination requirement
- addresses alignment with NCLB: highly qualified teachers, IEP include reasonable and appropriate accommodations in state tests

Doug heard that there may be a senate bill later this spring.

Instructional Support Team (IST) Sites Update (Don Fleming, VDOE; Donni Stickney, VDOE T/TAC at William & Mary)

Don Fleming provided information about the IST sites in Virginia. The goals of the IST are to develop model sites and a cadre of trainers/consultants. There are currently 13 sites in Virginia. A videotape was shown that provided information about the model for school and student improvement. An important component of the IST model is the “ripple” effect on other teaching staff in the school to zero-in on effective instructional practices that address students’ deficits. The Virginia Department of Education (VDOE) conducts centralized training for the school personnel and T/TAC facilitators. The IST model is different from Child Study and other student intervention teams because IST methodically follows a set of procedures to align instruction, task, and school environment for students. Donni Stickney serves as an IST site trainer/facilitator. She provided examples of working in sites with the IST teacher. Professional development is woven throughout activities by the school’s IST teacher by implementing and modeling for other staff: conducting instructional assessments, collecting data on students, and using research-based instructional strategies. Outcome data across sites were provided, including: 79% of students’ academic goals were met; 71% of students’ behavioral goals were met. In general, cases diminish as more teaching staff begin using the assessment and instructional strategies and have more support in the classroom. In many IST sites, referrals to special education were decreased after implementing the IST model.

Public Comment

The meeting minutes reflect a summary of the content of public comment. The written comment submitted to the committee at the meeting, will be forwarded to SSEAC members and is public information, available upon request to the Virginia Department of Education.

Maureen Hollowell – Ms. Hollowell urged SSEAC to provide guidance to the state Board of Education and Department on: IDEA reauthorization and Virginia’s Olmstead state plan. She requested that the SSEAC stay informed on the Medicaid reimbursed school services. It was noted that she continues to receive feedback from parents that they are not receiving adequate information to make informed decisions on district-wide assessments (especially students access to those local assessments in reading and math). She requested that the use of restraints and seclusion strategies not be encouraged by the development of regulations or guidelines, and to discuss this issue with other

organizations who are concerned about the development of such policies (i.e., TASH, the Center for Law and Education, and the National Association of Protection and Advocacy Systems.

Bradford Hulcher – Ms. Hulcher voiced a need for system-change with regard to least restrictive environment (LRE) and the need for more/better adaptations in the regular education classroom for students with disabilities. She believes that school personnel don't have the training to make the general curriculum successful.

Carmen Sanchez for Ms. Heike Mothershed – Carmen read Ms. Mothershed's letter, which included concerns about self-contained classrooms' lack of coverage of the general curriculum and the lack of a sequential curriculum outlining what students are supposed to be learning. She also expressed concern with the VAAP as an accountability measure.

Emily Dreyfus for an anonymous commenter – Emily read a letter from an anonymous parent identifying many problems with their child's special education (e.g., child find and eligibility, IEP development (parents as team members and parents rights to approval), placement in the least restrictive environment with appropriate supports, monitoring of LEAs by VDOE .

Olmstead Task Force (Stacy Atwell, VA Dept. Mental Health, Mental Retardation, and Substance Abuse Services –DMHMRSAS)

The Supreme Court decision in 1999 (*Olmstead v. L.C.*) decided that persons with disabilities who live in, or at risk of living in, or are eligible for placement in facilities or institutions, have a right to live in the community if:

- they and their treatment teams agree that they can live successfully in the community;
- they choose to live in the community; and
- there are resources available to help them live in the community.

Virginia, like other states, is following a mandate to implement the Supreme Court's decision. Virginia's Olmstead planning must address that people with disabilities can live in the community rather than in facilities and institutions. Virginia's Olmstead Task Force has been planning; they will submit their recommendations to the Governor, chairman of the House Appropriations and Senate Finance Committees, and the chairman of the Joint Commission on Health Care by August 31, 2003. To date, the task force has identified data on populations, services, and examined needs of individuals with disabilities in the areas of housing, employment, prevention and transition services, qualified providers, transportation and waivers. The Olmstead Task Force's March 26, 2003 report is available on the Web site: www.olmsteadva.com . The public comment period is open through May 13 to comment on the report and the planning process. A public comment session is scheduled for June 9, 2003 (details are available from the Web site). The public comment will be considered to prepare a final report. The report will be forwarded to the Governor and General Assembly to address actions and costs.

Prevention and transition issues are issues that were highlighted for the SSEAC. For example, school staff, parents, and students should be examining independent living

needs for students before they turn 18 (in transition planning) so the student has developed skills to access less restrictive living options. The VDOE liaison to the Olmstead Task Force is Dr. Lissa Power-deFur, Director of Student Services.

Charlene Christopher, SSEAC chair requested feedback on how to address public comment with such short timeframe. Heidi Lawyer suggested that individual members could provide comment from their own perspective, especially as parents of children with disabilities. Emily Dreyfus preferred to have the SSEAC voice comments. Rick Richardson suggested that the recommendations for community services be fully funded prior to mandating these services. Heidi suggested that individual SSEAC members should read the report and identify gaps or misleading information. There will be public comment opportunities to comment on the state Olmstead Plan when it is developed.

Motion Heidi Lawyer moved, Carmen Sanchez seconded a motion that the SSEAC make formal comment on the draft state Olmstead Plan prior to the end of the published comment period. If a regularly scheduled SSEAC meeting will not take place during the comment period, a meeting of the SSEAC be called (in person or by telephone conference call) in order to develop the content of the SSEAC comment, with a VDOE representative to the Olmstead task force present. The motion passed unanimously.

Director Report

Virginia Special Education Improvement Plan (VSEIP) Update (Patricia Abrams, Office of Special Education; Pat Burgess, Division of Teacher Education & Licensure) Patricia Abrams distributed the draft executive summary of the improvement plan report, which contains performance indicator data across years in areas of student achievement (school graduation and completion), personnel development, and parent involvement. The report was briefly reviewed and she asked committee members to read it and provide feedback within the next week (by May 9 to pabrams@mail.vak12ed.edu). She would like to disseminate a final report by May 15. Plans for priority project activity based on what the data suggests are needed, was shared, which include:

1. School Academic Review Participation & Follow-up Technical Assistance
2. Enhanced SOL Scope & Sequence with Accommodations & Assistive Technology
3. Instructional Strategies
4. Teaching of Reading Technical Assistance & Link with VA's Reading First Training
5. Early Transition & Preschool Effective Practices/Programs
6. Positive Behavior Supports
7. Link with Parent Involvement Activity & Local Parent Resource Centers
8. Instructional Support Team Sites
9. Autism & Links with Other Expert Resources
10. Alternate Assessment & Achievement Standards
11. State Task Force on Middle & Secondary Program
12. Secondary Transition Outcomes Project

Leslie Snyder asked if teachers will be required to access these projects' activities. Patricia responded that through the Standards for Accreditation, schools "in improvement" must comply with essential actions that are generated in the Academic Review and school improvement planning processes, and that these activities could be specified as essential actions to address specific findings. Pat Burgess indicated that another mechanism to direct LEAs to focus on improving student achievement in the least restrictive environment is through the local comprehensive systems of personnel development (CSPD).

Personnel Development (Pat Burgess)

Pat provided information on the VDOE activity on teacher recruitment, including press releases, public service announcements, and a new Web site that compiles information for people who want to explore teaching as a career. Pat provided data from the VDOE comprehensive system for recruiting to the profession. The status report describes the current statistics on the Teach Virginia Web-based system. Retention activity includes dissemination of retention effective practices to every special education administrator. Also, each local CSPD must document how they address retention (i.e., mentorships, support, etc.). The VDOE offered to LEAs the Web-based recruitment/hiring system, Teachers-Teachers.com. The statistics reflect approximately 40% increase in fully qualified candidates who were interested in teaching in Virginia. Leslie Snyder and Emily Dreyfus suggested the need to do more to address special education teacher retention, including disseminating effective practices. Rick Richardson remarked that many teachers will be retiring in the next 5 years and further suggested that many special education administrators who are retiring and being replaced with much younger people who may not have the background, training, and leadership skills needed. Kevin Sutherland commented that lack of support is a key reason for teachers leaving special education and that the IST model is a good support system that is sustained over time for beginning teachers. Emily Dreyfus commented that this committee should start exploring how to get higher salaries for teachers, in addition to other supportive measures to improve retention.

Parent Involvement Update (Judy Hudgins, Office of Student Services)

Judy Hudgins provided information about the "Access for All" conference scheduled for June 23-25, 2003. She disseminated the draft "Local Advisory Committees for Special Education" and requested feedback from the SSEAC members, including format, content, and ideas for more appendices by June 2 (jhudgins@mail.vak12ed.edu). Judy suggested that when the committee wants to discuss the guidelines, Sharon Ferguson-Roberts, the primary author, should be invited to attend.

State Legislative Update- Patricia Abrams reported for Doug Cox on 1 item enacted through the General Assembly Appropriations Act, there will be plan developed for consolidation of the programs of the Virginia Schools for the Deaf & Blind (located at Hampton and Staunton). On April 29, the Board nominated Scott Goodman as chair for the task force, and 2 parents representing each of the schools. The first meeting will be scheduled for June, and the plan will have to go to the Board by September 2003.

Director Report

Educational Services in Nursing Homes (Sandra Ruffin, Office of Federal Program Monitoring)

Sandra Ruffin provided a report, giving information on educational services to children with disabilities living in nursing home facilities. In the Iliff facility (located in Fairfax), monitoring staff found 3 children who were recently received at the nursing home that were not receiving education services. The parents' resident school division superintendents were contacted requesting immediate attention and to report to the VDOE. St. Mary's Home, in Norfolk has 75 children who were receiving education services and transported to Norfolk City Public Schools. Lake Taylor Transitional Care Facility, also located in Norfolk provides education services in the facility; no children are transported outside the center. Monitoring staff talked with parents of children at the facilities in person and by telephone.

Business

Approval of Minutes - January SSEAC minutes were approved February 3, 2003.

Membership – Kris Kiley will be finishing her appointment term on the SSEAC this summer; the membership subcommittee will be requesting nominations for a parent to represent region 3 to replace Kris. Kris' leaving also creates the need for a new member on the executive and membership subcommittees. Charlene Christopher appointed the membership subcommittee as: Stan Boren, chair; Emily Dreyfus, Carmen Sanchez. Members were given membership lists and asked to provide corrections to Patricia Abrams and Ossie Lawrence (email: olawrenc@mail.vak12ed.edu).

Procedural Safeguards Companion Document (Emily Dreyfus)

Emily provided a draft of the Procedural Safeguards companion on behalf of the Readability subcommittee. Emily provided suggested edits and requested feedback from other members. The SSEAC voted in favor of adopting the companion document with edits. The revised document will be forwarded to the VDOE for formatting and review by the assistant superintendent and to distribute. Ideas for distribution include, posting on Web site and notifying superintendents of its availability.

Public Comment Process

The committee discussed the merit of accepting anonymous public comment. There was agreement that the committee and/or the VDOE should follow up on concerns raised during the public comment period as appropriate. This would be difficult with anonymous comments.

Motion – David Martin moved and Stan Boren seconded 3 motions to address the SSEAC public comment policy.

#1: Advise the VDOE to formalize in their protocol for addressing public comment that when the comment is received by this committee on issues in an identified school division, VDOE will inform the division superintendent and local special education director of the public comment's content and offer to assist to resolve issues raised by public comment. The motion passed with one person abstaining (Leslie Snyder).

#2: Public comment is limited to 5 minutes unless the chair consults the committee to override the time limit for that particular meeting. The motion passed unanimously.

#3: Anonymous public comment will be accepted by the committee if it is presented by a committee member or a member of the public who can contact the maker of the public comment for follow-up. The motion passed unanimously.

VDOE staff will draft revised public comment policy for consideration by the committee at the next meeting.

The meeting was adjourned at 4: 45 pm.

Friday, May 2, 2003

Present: Charlene Christopher, Eileen Deckard, Stan Boren, Leslie Snyder, Carmen Sanchez, Emily Dreyfus, Kevin Sutherland, Shirley Ricks, David Martin, Rick Richardson, Fannie Page

Staff: Patricia Abrams, Sandra Ruffin, Pat Burgess

Not present: Elizabeth Vincel, Anne Fischer, Sharon Stacey, Karen Tompkins, Linda Richardson, Kris Kiley, Mike Wong

Charlene Christopher reviewed previous day activity.

Business

State Operated Programs (SOP) Annual Plan Review - The SOP annual plan review meeting is scheduled for May 16, 2003. Three committee members had not received the notice of the meeting or the materials, Carmen Sanchez Fannie Page, and Emily Dreyfus. Patricia Abrams will have that material mailed upon returning to the office. Emily and Carmen indicated they will not be able to attend the meeting.

SSEAC 2003 Annual Report – Charlene Christopher reviewed the possible topics for including in the Annual Report. The report is scheduled to be presented by Charlene at the June 25 Board meeting. The final report should be completed and given to Doug Cox by June 6. The following timeline was set in order to get the report done by then:

May 12 – first draft to SSEAC
May 16 – feedback to Charlene
May 23 – make revisions
June 6 – final report to Doug Cox.

Discussion on “future/on-going” work centered on distinguishing issues of interest to the committee from priorities for sub- and committee work. Carmen Sanchez commented that she thinks most of the energy will be spent reacting to reauthorization of IDEA. The SSEAC would like to be kept informed if the VDOE has taken a position on the U.S. House Bill (HB) 1350, or any proposed bills. The committee discussed possible ways to comment to the Board of Education their position(s) on IDEA reauthorization.

Leslie Snyder expressed concern after reviewing the State Special Education Improvement Plan Report that the SOL test data trends for 8th grade suggests that these students, although may have passed their course requirements, will not have passed the SOL tests to earn a diploma. Discussion focused on how to recommend to the Board of Education that secondary level SOL tests should not be required for students with disabilities to earn a diploma if they have successfully completed the course/program requirements, and still maintain accountability for high school programs and students. A motion was discussed with differing opinions among committee members about including in the 2003 report the possibility of suspending SOL test requirements for graduation as a way to address what might become issues with graduation. Patricia Abrams read the Virginia’s NCLB accountability workbook section proposing the development of new alternate assessment on the regular (“grade level”) standards proposed for development for students with disabilities.

Motion – Carmen Sanchez moved and Leslie Snyder seconded a motion for the SSEAC to include as recommendations in its 2003 Annual Report to the Board of Education to consider suspending the 8th grade SOL assessment requirements for high school graduation for students with disabilities. The motion passed unanimously.

Subcommittee Work

The following subcommittees met:

1. Results for Students
2. Personnel Development
3. Parent Involvement
4. Restraint & Seclusion Guidelines

Director Report

Sandra Ruffin provided a report on frequently cited special education requirements by the state’s monitoring unit. Most areas are identified by the local self-assessment prior to the VDOE’s site visit. For those that self identify areas of noncompliance, the site visit typically addresses follow-up and additional technical assistance for corrective action. In all cases, VDOE's monitoring focuses on specific requirements that are closely related to

access to the general curriculum and academic achievement. The VDOE communications include the authority of the VDOE to use sanctions to achieve full corrective action. In July there will be an informational forum for school divisions undergoing monitoring that will include in-depth review of these frequently cited requirements.

Chair's Report

Charlene Christopher requested suggestions for a process for obtaining input on IDEA reauthorization. Heidi Lawyer recommended a called meeting with a staff member present. It was agreed that when a Senate bill is filed, the SSEAC have a called meeting to review the bill and recommend a position to the Board of Education. Committee members further, requested that the VDOE consult with the SSEAC prior to submitting comments on IDEA reauthorization activity, or making related recommendations to the Board of Education or other officials.

Charlene shared information about the IDEA Partnerships activity and distributed a summary of the Virginia's ASPIRE/ILIAD IDEA Cadre. More information is accessible at the federal Web site: www.ideapractices.org.

Constituency Reports

Parent, Region 7 -Eileen Deckard raised a concern about the state Department of Rehabilitative Services (DRS) staff involvement in IEP process and meetings. She characterized the problem as the DRS agency don't attend IEP meetings until they have processed a referral for DRS services. Heidi Lawyer suggested that parents go to the next level with supervisory responsibilities. Pierre Ames commented that DRS should respond immediately if the parent goes directly to the DRS office to make the referral

Parent, Region 5 - Parent concerns from a JustChildren workshop series included: SOL failure and self-contained classrooms. Emily mentioned that she heard that a school principal found the math section of the ParaPro Assessment to be overly difficult. Pat Burgess commented that VDOE had a committee of paraprofessionals to participate in setting the cut score for those assessments. Emily reported that a parent in her region reported not receiving replies to questions posed to VDOE staff. Emily also reported that T/TAC provided good information to help her son's teaching team.

Local Administrators of Special Education – Rick Richardson voiced concern from local directors about the monthly special education council meetings. He indicated that local special education directors want to reinstate the monthly communication sessions as a mechanism to keep informed.

Subcommittee Reports - Subcommittees met briefly and reported the following:

Restraint & Seclusion Guidelines– Kevin Sutherland reported that the committee needed to reconsider its plan to disseminate guidelines. They plan to develop a survey to

collect data on existence of policies and practices, and possibly use parent focus groups to get input. Then they will use quantitative and qualitative data to recommend guidelines, procedures, and/or regulations.

Results for Students – Emily Dreyfus reported that the group discussed ideas for how SSEAC can be informed. VDOE staff offered to forward Board of Education agenda announcements to SSEAC members to prompt them to access more information on the VDOE Web site and keep informed of statewide issues and activity. Patricia Abrams announced that instead of producing a document on “Instructional Leadership for Special Education” as discussed at the January meeting, the 12 priority projects were put in place to develop more comprehensive and consistent training and technical assistance on achievement in the general curriculum. The new federal Access Center is being used to help with these projects. There is a meeting scheduled for May 29 & 30 for the work team to begin development of the enhanced SOL Scope and Sequence guides. The subcommittee requested to be reviewers of all draft documents related to these projects.

Parent Involvement – The other subcommittee members were in the restraint and seclusion guidelines subcommittee meeting, therefore, there was no report.

Personnel Development – Charlene Christopher reported that the following topics were addressed: highly qualified teachers, conditional licenses, state review of local CSPD plans, new preservice programs for hearing and vision impairments, retention and recruitment, service obligation policy for teachers who get tuition support. In addition Pat Burgess informed the group about draft revisions to the state licensure regulations. She suggested that the SSEAC chair have a meeting with Advisory Board on Teacher Education and Licensure (ABTEL) chair to express concerns with the NCLB “highly qualified” teachers requirement as it relates to special education teachers who teach subjects to students with disabilities.

Future Agenda Items

July 17 & 18

Elect new vice chair for executive subcommittee and replacement for region 3 parent (Kris Kiley).

Items SSEAC wants to provide comment on are:

1. Olmstead State Plan
2. IDEA Senate bill,

Discussion centered on the need to prioritize and focus on tasks of the subcommittee. Rick Richardson commented that the SSEAC should spend more time receiving and reacting to the information in the VSEIP report, as it is directly related to the mission. Pat Burgess provided the example that ABTEL chair keeps in close contact with the Board of Education meetings and agendas to set their priorities and the chair meets with the assistant superintendent

Proposed July 17 & 18 SSEAC Agenda

Thursday July 17, 2003

7:45 – 8:30 – Executive Subcommittee * Meeting

(*Note – only the executive subcommittee members meet during this time; the full SSEAC will convene at 8:30 AM)

8:30 – Call to Order – Welcome & Introductions

8:45 – 11:15 Business Items

- Approval of Minutes
- Membership
- Elections for vice chair for SSEAC
- Public Comment Policy
- Priority-setting – Discussion on using template for subcommittee work and gathering constituency feedback.

11:15 – Break

11:30 – Public Comment

Friday July 18, 2003

8:00 AM – Call to Order

8:00 – 11:30 Reports:

- Assistant Superintendents/Directors
- SOP Annual Plan Review
- Public Comment Follow-up
- Constituencies

11:30 – 12:00 noon - Discuss Future Agenda Items & Adjourn

The meeting was adjourned at 12:30 pm.